

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Criminal No. 05-1849 JH
)	
DANA JARVIS,)	
)	
<i>Defendant.</i>)	
)	
WELLS FARGO BANK, N.A.,)	
)	
<i>Third Party Petitioner.</i>)	

**STIPULATED FINAL ORDER OF FORFEITURE
ON REAL PROPERTY 1440 CALLE CIELO VISTA**

This matter comes before the Court on the motion of the United States for Final Order of Forfeiture (Doc. 1711). The Court, being fully advised in the premises, finds that the motion is well taken and that this matter is ripe for final disposition.

1. On December 19, 2008, this Court entered a Preliminary Order of Forfeiture (Doc. 1488) forfeiting Defendant Dana Jarvis' right, title and interest regarding the property known as 1440 Calle Cielo Vista, Bernalillo, New Mexico (the "Subject Real Property"), which is more particularly described as follows:

TRACT LETTERED "C", OF THE SCHLAKE ADDITION, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT ENTITLED "TRACTS A THROUGH D, SCHLAKE ADDITION, SANDOVAL COUNTY, NEW MEXICO," FILED IN THE OFFICE OF THE COUNTY CLERKS OF SANDOVAL COUNTY, NEW MEXICO ON JULY 17, 1978, IN PLAT BOOK 2, FOLIO 237-B.

2. The United States duly published a notice of criminal forfeiture on an official government internet site at www.forfeiture.gov for at least 30 consecutive days, from January 6, 2009 through February 4, 2009 with respect to the above real property. (Doc. 1543.)

3. Pursuant to Fed.R.Crim.P. 32.2(b)(3), the Preliminary Order of Forfeiture became final as to Defendant Dana Jarvis at his sentencing on March 24, 2009, as contained in the Second Amended Judgment (Doc. 1603), referencing paragraph 11(e) of the Plea Agreement (Doc. 1465).


4. The only persons or entities besides Defendant known to have any potential interest in the Subject Real Property is Wells Fargo Bank, N.A. ("Wells Fargo"). Wells Fargo recorded a mortgage executed by Defendant Jarvis on the Subject Real Property with the office of the County Clerk of Sandoval County, New Mexico, on April 16, 2002, in Book 405 at Pages 38213-38227. Wells Fargo holds a valid claim pursuant to 21 U.S.C. § 853(n)(6)(A) because its interest in the Subject Real Property is superior to that of Defendant Jarvis.

5. Wells Fargo filed a claim herein (Doc. 1710).

6. No other Third Party Claims remain for adjudication pursuant to 21 U.S.C. § 853(n).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, as follows:

The United States' Unopposed Motion for Final Order of Forfeiture on Real Property 1440 Calle Cielo Vista is granted. Pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 982 and Fed.R.Crim.P. 32.2(c)(2), all right, title and interest in the Subject Real Property located at 1440 Calle Cielo Vista, Bernalillo, New Mexico, as described above, is forfeited to the United States, and the United States shall have clear title to the Subject Real Property at 1440 Calle Cielo Vista, Bernalillo, New Mexico, and may warrant good title to any subsequent purchaser or transferee, subject to the valid interest of Wells Fargo Bank, N.A.



JUDITH C. HERRERA
United States District Judge

SUBMITTED BY:

Electronically submitted 9/2/2009

JAMES R.W. BRAUN

STEPHEN R. KOTZ

CYNTHIA L. WEISMAN

Assistant United States Attorneys

P. O. Box 607

Albuquerque, NM 87103

(505) 346-7274

Counsel for Plaintiff

APPROVED BY:

Telephonically approved 9/2/2009

D. RENAE RICHARDS CHARNEY

Castle Meinhold & Stawiarski

999 18th St., Suite 2201, Bin 1

Denver, CO 80202

(303) 285-22222

Counsel for Third Party Petitioner Wells Fargo Bank, N.A.